

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

RECEIVED

UNITED STATES PLAINTIFF
MAR 11 2022
V.

4:18-cr-00925-AGF-1

BY MAIL

DIONDREY HARDWICT DEFENDANT

DEFENDANT DIONDREY HARDWICT'S RESPONSE TO MOTION TO EXTEND TIME, AND REQUEST FOR ORDER TO TURN OVER RECORDS

Comes now Defendant Diondreya Hardwict, (Defendant Hardwict) and for his motion states:

1. Defendant Hardwict is currently incarcerated.
2. Attorney Kevin Barnes has filed a motion for extension of time.
3. The motion is of such kind and character as to call Attorney Barnes' competence and/or loyalty into question.
4. The motion has an 8th Circuit caption but is filed in district court.
5. The text of the motion indicates, at best, confusion about the responsibilities of an attorney.
6. There is no certificate of service.
7. Defendant Hardwict has no reason to believe that Attorney Barnes's claims of "headway" on the brief are anything more than bloviating. Assuming arguendo that he's making "headway" without the slightest consultation with the client or his trusted friend, without the transcripts, and without who knows what else up to and including mental coherence, the brief is doubtless sanctionable garbage.
8. Defendant Hardwict has already, on 2-28-22, filed a motion to fire Attorney Barnes and proceed pro se, at the 8th Circuit.
9. Said motion requests much of the same relief requested in the following paragraphs. Defendant Hardwict has no desire to double up on the work of any court. If this Court deems the request at the 8th Circuit sufficient, it should feel free to enter such order as it deems appropriate. Defendant Hardwict simply believes that this Court should be made aware of the erratic behavior of Attorney Barnes, and the complications likely to result by allowing his irresponsibility to continue unchecked.
10. Defendant Hardwict on the 23rd and 24th of January caused to be sent a transcript order form and a CJA 24 Transcript Authorization form, both properly completed and ready for filing.
11. Attorney Barnes has neglected to file these forms for well over a month, despite repeated polite request and offers to assist and coach, by and through Defendant Hardwict's friend, who remains willing to assist if assistance is valued.
12. Defendant Hardwict requests that this Court order Attorney Barnes to provide Defendant Hardwict with all files in his possession or which later come into his possession, related to this case, by promptly placing them in an electronic folder accessible to such person as Defendant Hardwict may direct. Defendant Hardwict has already made arrangements to ensure that he will have permanent access to electronic files turned over consistent with this pleading.
13. To the extent that Attorney Barnes claims some relevant documents from this file shouldn't be turned over, he should be ordered to supply a privilege log, listing the specific items withheld and the reasons assigned.
14. Attorney Barnes has been informed that Defendant Hardwict's friend would provide Defendant Hardwict with a full set of documents, well organized, lbico bound and tabbed, at the customary document reproduction prices listed by FedEx Office in the St. Louis area.
15. Attorney Barnes should also be commanded to promptly order the production of all such items, and agree to pay for them, said costs to be billed through on his CJA payment request.

WHEREFORE, Defendant Hardwict respectfully requests an order

- 1) Commanding Attorney Barnes to provide all files and information in his possession to such party as may be directed by Defendant Hardwict, preferably by an efficient electronic transfer, but as a last resort in hard copy, by mail, or by such other method as may be suitable for the parties;
- 2) Commanding Attorney Barnes to supply a privilege log, if any documents or records are not turned over;
- 3) Within 5 business days to order Defendant Hardwict a full set of documents, well organized, lbico bound and tabbed, at a price not to exceed the customary document reproduction prices listed by FedEx Office in the St. Louis area;
- 4) To file the transcript order form and authorizations within 5 business days;

- Case 1:18-cr-00925-AGS Document 141 Filed 03/11/22 Page 2 of 3 PageID #: 501
- 5) A warning to Attorney Barnes, that failure to comply with the Court's order, in any material way, is likely to result in a show cause order for contempt or referral to disciplinary authorities, or both;
- 6) and for such other and further relief as may be appropriate whether or not specifically requested.

By: Diondre Hardwict
Diondre Hardwict
FCI Milan
P.O. Box 1000
Milan, MI 48160-0000

3-7-22
Date

CERTIFICATE OF SERVICE

Appellant Hardwict hereby certifies that on the date stated above he placed this document in the prison outgoing mail receptacle, addressed to the Clerk of the Court for filing on the CM/ECF system, which will cause all persons entitled to service to receive same. To the extent that the prison legal mail system is available to Hardwict, he has used the prison legal mail system, and claims the benefits of the prison mailbox rule.

Diondreya Hardwick

NAME

24136-044

REG. NO.

FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 1000
MILAN, MICHIGAN 48160

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ATTN: Gregory J. Linhares "Clerk"

United States District Court

Thomas F. Eagleton Courthouse

111 South 10th Street Suite 3300
St. Louis, MO 63102

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